



**CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION**

Plan Commission Meeting Minutes

September 11th, 2024

Cicero Town Hall

70 N Byron Street

Cicero, IN 46034

Roll Call of Members

Present:

Dan Strong

Wendy Gillespie

Chris Lutz

Marc Diller

Dennis Schrumpf

Mark Thomas

Jenna Majors

Eric Hayden

Frank Zawadzki - Plan Director

Terri Strong – Recorder

Absent:

Harrison Massonne

Aaron Culp available by phone

Declaration of Quorum: President Strong declared a quorum with 8 members present.

Approval of Minutes: Mr. Schrumpf made motion to approve minutes from August 14, 2024, meeting as presented. Mrs. Majors second. All present in favor.

President Strong questioned Mr. Zawadzki on the agenda. Mr. Zawadzki asked that the agenda be amended to include public comment.

Mr. Hayden made motion to amend the agenda to include public comment. Mr. Lutz second. All present in favor.

Public Comment: President Strong stated this is the time for any comments from the public on matters not on the agenda.

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Kimberly Chance 3161 E. 246th Street, Cicero. Live in the overlay district that conversation was started last meeting. Want to ask questions is that possible? President Strong stated would see how the conversation goes. Was questioned on whether a vote would take place or not tonight. President Strong stated he would allow questions prior to a vote.

No further public comment.

Old Business:

President Strong stated first on old business is the Overlay District discussion. Started briefly at last meeting. Discussion on determining so the Plan Commission would have oversight on any development that would want to build in the overlay district. Intent is not to permanently rezoned any of the area but to review aesthetics of the area and moving down the road look at permitted uses, non-permitted uses, and special exception uses. The intent tonight is to discuss the boundaries of that district might look like. Map used to describe the area. Suggestion was to utilize the area that the county determined as a TIF district. This would allow us to move faster with the boundaries, parcel numbers would be known, preliminary work done. Would open the discussion.

1. Overlay District discussion

Mr. Thomas questioned if we use the current district, could we expand in the future if we wanted. President Strong stated he understood that it could be modified in the future. Mr. Thomas asked if we followed the boundaries of the TIF, once we updated the Comprehensive Plan it could be modified if needed. President Strong explained yes, or could wait until Plan is completed, but have heard from residents in the area that are concern with the oversight aspect and this group being able to oversee development options. Mr. Lutz stated he agrees with the set up and expedite need, but if we put something in the district, is there a waiting period for changing? President Strong stated he is not 100% sure, not aware of a waiting period for creating. Know that we can create multiple, example being if along 31 was one and then we wanted another that included more of the Township we could. Mr. Lutz used an example of if this is created tonight, and after Comp Plan is complete we could come back in 6 months (as example) and divide into three overlay districts. Mr. Lutz wanting to make sure there are no time restrictions on any changes and doing quickly would hinder in the future. President Strong asked that Mr. Culp be reached on the phone to answer technical questions. Mr. Zawadzki reached Mr. Culp. President Strong explained the questions. If overlay district was formed tonight and later changes were desired could this happen? Mr. Culp stated yes, like any other zoning, as long as process is followed, public notice, recommendation to Town Council, Council vote. President Strong asked if district along US 31 and in future we want to break it into three districts we could. Mr. Culp stated yes, if we envisioned as a catch all district and then once the Comp Plan is complete, if desired to break into separate districts we could. President Strong thought that was the fact but wanted to verify with legal counsel. Mr. Culp stated online for the next questions. Mrs. Majors asked for clarification, the reason why we are putting a TIF district in place that would encompass the corridor along 31, is not to rezone, there are some areas that are already commercial zoning. The idea is that we as a Planning Commission would set up a "law" per se that would anyone building in the entire district or changing buildings in the district, would have to come before the Board to review their plans so we are approving aesthetic like buildings. President Strong stated that is correct, the intent is not to rezone any property, and not part of any discussion this evening. We would have standards set for the district, similarly, to having an Overlay District for most of the Town of Cicero. If someone wanted to do commercial business, we would look at style of building, lighting, parking, etc. Mrs.

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Majors clarified that right now because it doesn't exist in our structure, these businesses have been able to go to the BZA and not the Plan Commission first, is that correct. President Strong stated that is correct, since they seek a variance; they go to the BZA. Since we don't have anything set up in the corridor there is no reason for them to come to the PC unless they seek a rezone for a property. Mrs. Majors stated then this would require coming before this Board for review and then the BZA, giving two boards review. President Strong stated before the BZA if looking for a variance but otherwise correct. Mr. Lutz gives us the opportunity to have a say on the vision we have. President Strong stated there is more work that would need to be done, to set the standards for the area, what we would want the buildings to look like, etc. Mr. Lutz asked for verification of the process. Mr. Culp added it would depend upon how the district is drafted, example being 50% brick, and if wanted less they would come for a variance. Mr. Lutz stated he would guess that Mr. Strong was 10 steps ahead and would outline more as we go along. President Strong gave summary of if Board decided to move ahead with an Overlay District, an ordinance would be created, would go through public hearing and final draft would go to Town Council for approval since it would be a zoning ordinance. President Strong distributed handouts with information on Overlay District. Don't misunderstand that we want to do everything that the County did, but did go back to look at what the County did to lay out an Overlay District. Modified to get a starting point. Gave it a place holder name. The packet has lot sizes, building materials, drive thru, lighting standards, roof designs. This is a starting point to the discussion. Does not have development standards and could give us a starting point that could be adopted fairly soon and modified as needed. Mr. Culp added that would expect to be in place approximately 12 months as we adopt the Comp Plan. President Strong stated there is more work to be done and will take time. Second part explained the building materials. Lastly, created a sheet for taking notes and what each would want to incorporate as you look at other communities and what they have done. This is based off the County website. Page two discusses options of a committee. Discussion on how the town has had Aesthetic Review committees in the past and whether it is an option for working through the details. Mrs. Gillispie asked if Township and the County can have overlays that have overlays. President Strong clarified this: as the Counties Overlay is the west side of US 31 to Dunbar Road in Adams Township. We are looking at the east side to create an Overlay district for the standards. Can get confusing because the TIF district is on both sides of US 31. Mr. Culp explained that the TIF district and zoning are quite different. The County has no zoning power in Jackson Township due to the ad joiner agreement and relationship with Town of Cicero. Unincorporated Hamilton County regardless of townships, defaults to the County, example police, fire that the commissioners retain that authority.

President Strong stated we shared some starting points but at the end of the day we want to do what is right for Cicero and Jackson Township as we move forward in next few months. Mr. Hayden questioned existing property owners that now become part of the overlay district, how do they make changes to their property. Discussion on house painting as an example. Mr. Culp answered in the structure would be like town portion where we accept current and possibly ag buildings for farms. It would be in the wording of the District documents. Targeting commercial/industrial would be possible.

President Strong stated the intent from the last meeting was to bring forward a starting point, looking for feedback, do the boundaries work, thoughts and feedback. How does the Board want to proceed?

Mr. Culp stated it would be acceptable if the members wanted to review and come back next month.

Mr. Lutz stated he was ok with the boundaries and wanted to move through the process right. President Strong stated from his perspective, he thought boundaries would be agreed upon tonight and the information

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handed out and research done. Anticipates working sessions for the next few months. Mr. Lutz asked just because we have an Overlay District doesn't mean someone could come to the BZA and use it as a standing in the BZA. Mr. Culp agreed that the BZA has rules to follow and sole responsibility for granting a variance. Mr. Thomas questioned that with an Overlay District they would have to come to Plan Commission before going to the BZA. Mr. Culp answered it is based on what they are proposing, what kind of use variance they would be asking for. Mrs. Majors expressed concern that if this is put into place, it doesn't set precedence for someone to take a piece of zoned AG land and say you have standards in place that means it can be rezoned to commercial zoning. Mr. Culp stated they could make that argument, but at the end of the day that is just someone making an argument. Just because we have standards in place for a commercial property does not in any way preclude the Plan Commission to approve a rezone. Or the BZA to approve a Land Use variance. Statement can be added to the Overlay District to include that this is in no way a preference or desire to approve commercial but simply to have development standards for those commercial areas that are in the district. (as example)

President Strong summarized discussion and options for moving going forward. Mrs. Majors expressed to get things moving forward she agreed that the TIF district current boundaries make sense. Mr. Thomas agreed and discussed the timeline. President Strong questioned Mr. Culp if only a consensus is needed to move forward. Mr. Culp stated that is correct to put things together for the next meeting, a consensus is all that is needed. Mr. Thomas asked for the statement to be part of all items moving forward, that just because the standards are in place does not mean the land will be rezoned.

Mrs. Chance asked if a percentage was needed in the vote for an Overlay District. President Strong stated typically 9 members, so would need majority (5), and then it would go to the Town Council and would need 3/5. Mr. Culp stated that is correct, even if only 6 members it would need 5 votes. Also, if the TC wanted to amend it would go back to the Plan Commission, but the TC has the final approval.

Mrs. Chance asked if there is any provision to grandfather in any properties. Example: some have chickens would that be allowed, would properties be grandfathered if prohibited like town. Is it possible? President Strong stated that would not be part of this process but would come during development standards. Mr. Culp added that if an overlay district and development standards was set, if your use was in place prior to being adopted that would not change and would be grandfathered as a non-conforming use. That would be possible as long as it did not change for six months, even if sold property and next person wanted to do the exact same thing. Mr. Hayden expressed concern for the boundaries and not all of Jackson Township being part of the district. Mrs. Majors expressed concern for items like last month and the fences, buildings that do not need review from PC, how this would change and take up additional time and resources. Mr. Hayden shared he didn't want overreach. Mr. Lutz stated he wanted to move faster and set up the boundaries. Discussion ensued on recent situations and whether it is better to do the whole township. President Strong asked Mr. Culp if doing the whole township can you only state if it is commercial that it has to come before the PC. Mr. Culp answered can state only along 31, not apply to residential, number of employees as examples. Mr. Hayden stated he didn't want to slow the process but want to look at a broader reach. Mr. Diller felt Anthony Road was a cleaner line. President Strong stated we have all the information for the current TIF district and would have to research all parcels for any expansion. Mr. Culp stated and create descriptions of the properties, but the Board has a lot of discretion on setting boundaries and standards. Mr. Thomas stated we could do this area and once the Comp Plan comes out move the boundary if needed. Mr. Culp stated this area is the most logical to have the greatest risk for needing review in the next 12 months, as the process is defined.

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President Strong asked what the Board would want to do tonight, if anything.

Mr. Lutz stated his recommendations would be to move forward using the TIF District boundaries, and review information and continue discussion at next meeting.

Mr. Thomas stated he would agree and second that recommendation, looking ahead to potential of Anthony Road once Comp Plan is updated. Regarding Agri-tourism it might show that 266th is another overlay or 276th.

President Strong stated we will go with the consensus tonight and Mr. Culp would start working on the paperwork to move forward. Consensus achieved to use the TIF district boundaries and will come back next month to further discussion.

2. Rules of Procedure update

President Strong stated we have had Rules of Procedures for quite some time, but it was time to do some updating to them. Everyone should have received them and had a chance to review. While there aren't many changes they are updated to reflect today's role. Any additions or changes?

Mrs. Majors stated under section of membership, talks about 9, later discussing 2 from Jackson Township and 7 from Cicero. Do not see anything about the appointment of those members. Perhaps it is in another document, should there be something in this document about the term (4 years), attendance (not to miss 1, 2, 3) meetings to be in good standing. Where are they written down for years to come?

Mr. Lutz stated he thought they were a part of the joiner agreement. President Strong questioned Mr. Culp if they should be listed or is it covered in the IC codes. Mr. Culp stated important is that the rules of procedure cannot change how appointments are done, usually we site where in the Indiana Code it is spelled out. Mrs. Majors first page had a typo. Mr. Zawadzki questioned section 2-voting paragraph 3, regarding the conflict of interest the member must declare. The question is to whom they must declare, director, attorney. President Strong repeated the question to Mr. Culp. Mr. Culp answered there is a difference between a conflict and a financial interest, and so someone could have conflict without financial. They do not need to declare what the conflict is or just that they have to declare a conflict and don't participate. Discussion on interpretation and if the same for BZA. Mr. Culp read the stature, for Plan Commission, must be part of record but not reason for. Determined the wording will be reviewed to reflect this correction. Mr. Zawadzki added secretary will prepare accurate record. Mr. Hayden stated he signs off on the minutes. Mr. Zawadzki stated but we go from the recording to a transcriptionist which is legal, but wording is that secretary does it. Discussion ensued. Mr. Culp answered the commission can delegate certain things, but if concerned can change to secretary designee. And can tweak that in the document. Typos were discussed. Mr. Thomas questioned Section 5, letter C, if petition does not get submitted.... this area should include "not". Mr. Culp disagreed but would review further comparing to statue for rezone recommendations. It would still have to go to Town Council before approval. Mr. Thomas under section 6, conditional approval, does wording need to be spelled out. Mr. Culp stated the commission would conduct the investigation by delegating it through the Plan Director. Mr. Thomas questioned if it should be spelled out. Mr. Culp stated it could be requesting information not physical investigation of site. Determined to leave as it is. Mr. Thomas stated number 5, fourth line down, "learn what participates are doing".

President Strong stated while a lot of time spent, glad there are not a lot of tweaks to be done.

New Business: No new business.

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Plan Director's Report: Mr. Zawadzki summarized report as follows: August 2024, permit revenue of \$8394 and YTD of \$40782, compared to August of 2023 of \$5135 and YTD of \$66900. This is an increase for month of \$3259 and a decrease for YTD of \$26118. Issued 22 building permits, 16 in corporate limits with 4 being new homes, six in Township with 0 new homes. Estimated cost of projects \$2,152,535.

President's Report: President Strong thanked everyone for their engagement this evening and contributions.

Legal Counsel's Report: Mr. Culp updated that the Town broke ground on the sewer project. Will be moving forward and take approximately 18 months. Town acquired a parcel on Jackson St. next to the Pocket park. Currently has a house and garage, and in upcoming weeks will be demolishing those buildings. Town wanted to acquire for looking to the future.

President Strong thanked Mr. Culp for being available by phone.

Board Member Comments: Mr. Hayden stated he felt we need to look at the sign ordinance, missing opportunities to make look better. Example was last month's Cicero Chiropractic, willingness to make look better than we required. President Strong asked if recommending looking at all the sign ordinances or just Neighborhood commercial. Mr. Hayden stated pole signs specifically. Mr. Thomas stated he agreed we have opportunity. Discussion ensued on landscaping around signs. Mr. Hayden stated he wasn't complaining about what they did, just that we had opportunity and could do better with the ordinance.

Next Planned Plan Commission Meeting:

October 9th, 2024

Adjournment: Mr. Schrumpf made a motion to adjourn. Mr. Lutz second. All present in favor.

President: 

Secretary: 

Date: 

Location:
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